

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR TAGLE,
Plaintiff,
vs.
STATE OF NEVADA, et al.,
Defendants

Case No. 2:15-cv-02143-RFB-CWH

ORDER

Presently before the court is plaintiff Victor Tagle's Motion to Be Removed to U.S.

Facilities Due to Danger of Poisoning/Murder from SCC/NDOC's Personnel (ECF No. 147), filed on January 16, 2018. Also before the court is Tagle's Request for Court Intervention & Proper Authorities Due to Life's Threatening Situation (ECF No. 148), filed on January 16, 2018.

Tagle is a Nevada state-prison inmate who asserts that his constitutional rights were violated by various defendants. Tagle's fifth amended complaint (ECF No. 37) is the operative complaint in this case. (Mins. of Proceedings (ECF No. 110).) The fifth amended complaint, although somewhat difficult to understand, generally states that Tagle is continually harassed in retaliation for bringing legal claims, including being housed in solitary confinement for extended periods of time, being physically assaulted, enduring tampering with his eye drops, medication, and food, and having his legal documents destroyed. (Fifth Am. Compl. (ECF No. 37).) Tagle alleges that on May 20, 2015, defendants Wing and Oliver physically assaulted him, and that the next day defendant Wing physically assaulted him again. (*Id.* at 4-5.) Tagle states that Wing has been continuously abusing him since 2012 in retaliation for initiating litigation. (*Id.* at 5.) He also alleges defendant Oliver physically assaulted him. (*Id.* at 37.) Tagle alleges that defendants Wing, Atkinson, and Vazquez tampered with his food trays, resulting in food poisoning, blisters in his mouth, stomach pain, rectal bleeding, diarrhea, vomiting, and significant weight loss, and

1 prompting Tagle to engage in a hunger strike. (*Id.* at 6, 15-16.) Tagle alleges these actions are an
2 attempt to murder him. (*Id.* at 16.) With respect to his eye drops, he alleges that when he was out
3 of his cell, someone moved his eye drops, and that when he used the drops the next day, one of his
4 eyes was covered in blood and was about to “pop out.” (*Id.* at 3.)

5 Tagle further alleges Wing and other NDOC employees tamper with his legal mail and legal
6 documents and harass him, and that Deputy Attorney General Clark Leslie also tampered with his
7 mail. (*Id.* at 7, 10-13.) Tagle alleges that Leslie has threatened to double Tagle’s prison sentence in
8 retaliation for Tagle’s litigation and that Leslie and Chris A. Beecroft accepted bribes in exchange
9 for dismissing Tagle’s cases. (*Id.* at 8-9.) Tagle contends that defendant Jeorja Powers physically
10 assaulted Tagle with a notepad and directed other NDOC employees to abuse Tagle in retaliation
11 for Tagle’s filing of grievances. (*Id.* at 17-21.) Tagle alleges that supervisors Ward, Powers, Baca,
12 and Foster were informed of the conduct at issue in this lawsuit and did not take any action. (*Id.* at
13 22-24, 27-28.) Tagle also contends that librarian Paulina Simmons has denied him with access to
14 the law library. (*Id.* at 25-26.)

15 Tagle now requests that the court transfer him to federal rather than state custody, arguing
16 that he has been on a hunger strike since December 14, 2017, and that the prison guards and
17 medical personnel have been giving him yellow toilet water, which is attempted murder. (Mot.
18 (ECF No. 147) at 1.) He further argues that the prison refuses to report his hunger strike to the
19 court, that he is being held illegally, that he is back in segregation, that he was assaulted in the
20 showers, and that he is not receiving his mail. (Mot. (ECF No. 148) at 1-2.) Tagle states that he
21 has dropped in weight from 188 pounds to 155 pounds. (*Id.* at 2.)

22 Based on the information provided in his motions, the court understands Tagle to be
23 requesting relief with respect to issues he has recently encountered while incarcerated, as opposed
24 to moving to amend to provide additional allegations in support of the events described in the
25 operative fifth amended complaint, which date back to May of 2015. In the absence of a connection
26 between the new issues and the operative fifth amended complaint, the court declines to take further
27 action with respect to these new issues and will deny Tagle’s motions without prejudice. Tagle is
28 advised to avail himself of the prison grievance system and to take appropriate legal action, such as

1 filing a new case and seeking injunctive relief, if necessary.

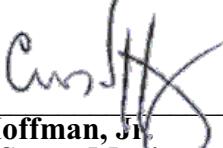
2 IT IS THEREFORE ORDERED that plaintiff Victor Tagle's Motion to Be Removed to U.S.
3 Facilities Due to Danger of Poisoning/Murder from SCC/NDOC's Personnel (ECF No. 147) is
4 DENIED without prejudice.

5 IT IS FURTHER ORDERED that plaintiff Victor Tagle's Request for Court Intervention &
6 Proper Authorities Due to Life's Threatening Situation (ECF No. 148) is DENIED without
7 prejudice.

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9 DATED: January 22, 2018

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C.W. Hoffman, Jr.
12 United States Magistrate Judge

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